

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

ADDICTION & DETOXIFICATION
INSTITUTE, L.L.C.,

Case No. 14-10026

Plaintiff,

Honorable John Corbett O'Meara

v.

JULIA AHARONOV, JOSEPH A. GEORGE, and
MDS DRUG DETOX CLINIC,

Defendants.

ORDER DENYING DEFENDANTS' MOTION TO STAY

This matter came before the court on Defendants' June 5, 2014 motion to stay proceedings. Plaintiff filed a response June 18, 2014; and Defendants filed a reply June 23, 2014. No oral argument was heard.

Defendants seek an order staying the proceedings in this matter until conclusion of a 2011 case¹ currently pending in the United States District Court for the Northern District of Illinois involving the same plaintiff and same patent at issue in this lawsuit. Defendants contend that the Epperly case "has had significant discovery and is currently involved in a Markman claim construction proceeding where the scope and meaning of the '411 patent claims will be determined." Defs' mot. at 1. Defendants further contend, "Decisions in that case will have a significant bearing on the issues in the present case, and it is reasonable to stay the present litigation until the Epperly case is resolved." Id.

¹ Addiction & Detoxification Institute, L.L.C. v. Epperly, No. 11-05947 (N.D. Ill., filed Aug. 26, 2011).

However, it appears as though the Epperly case itself is not moving forward. Plaintiff ADI informs the court that the claim construction proceedings are stayed in that case, and there is no scheduling order or trial date set. In addition, at the time of filing this motion, defense counsel in Epperly had withdrawn from the case.

Accordingly, it is hereby **ORDERED** that Defendants' June 5, 2014 motion to stay proceedings is **DENIED**.

s/John Corbett O'Meara
United States District Judge

Date: August 21, 2014

I hereby certify that a copy of the foregoing document was served upon counsel of record on this date, August 21, 2014, using the ECF system.

s/William Barkholz
Case Manager